

**Juvenile Justice Improvement Committee**  
Judicial Conference of Indiana

**Minutes**  
January 4, 2002

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, January 4, 2002 from 12:00 Noon until 3:00 p.m.

1. Members present. Christopher L. Burnham, W. Timothy Crowley, Steve David, Mary R. Harper, Lynn Murray, James W. Payne, R. Paulette Stagg, Frank Sullivan, Jr. and Stephen M. Sims, Chair.
2. Minutes approved. The minutes for the meeting on November 2, 2001 were approved.
3. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
4. Recent legislation.
  - a. The members of the committee discussed HB 1003. Justice Sullivan gave an overview of the bill. It moves funding of services for juveniles under the Family and Children's Fund from the county to the state. It provides generally for property tax relief and state funding for trial courts. Judge Payne reported Judge Nemeth contacted him and asked for recommendations of the committee on this legislation. The committee members discussed concern with how the state administers the county offices of family and children and mental health services for juveniles, concern if funding for CHINS only and not delinquents was taken over by the state whether the state would have an incentive to make delinquents a county responsibility, the costs of secure detention not included in state funding under HB 1003, and the problem of the state taking over county funding at present levels which penalizes counties that historically spent smaller amounts than similarly sized counties. The committee agreed there was no good distinction between CHINS and Delinquency cases. Children should be treated individually based on the needs of the child and family, no matter how the child is brought before the court.

Justice Sullivan, Jeff Bercovitz, and Anne Jordan agreed to summarize the state takeover of payment of costs under the Family and Children's Fund in HB 1003, email it to all committee members, and gather comments. In addition, they agreed to look at county-by-county breakdown of costs of services for CHINS and Delinquents.
  - b. Mr. Bercovitz distributed a draft of a bill to create a Juvenile Law Study Commission. Judge David moved the Juvenile Justice Improvement Committee support the creation of the juvenile law study commission. Magistrate Staggs seconded the motion. The motion was passed. Although the motion passed, concern was expressed about the short time to prepare a final report and small amount of funding for the commission.
  - c. Mr. Bercovitz distributed prefiled Senate Bills 134, 136, 147, 182, and 184; and mentioned prefiled Senate Bills 146, 171, 178 and 207.
5. CIP Report. Anne Jordan reported the Court Improvement Project (CIP) awarded 8 new subgrants this cycle, averaging about \$20,000 each. They were offered to replicate the projects

in Allen, Marion and St. Joseph counties and to give the five largest counties the opportunity to begin new projects.

6. Expungement and detention.

a. Mr. Bercovitz distributed a letter from Judge Payne concerning expungement of names of juveniles from detention records sent to the Indiana Criminal Justice Institute. The committee discussed the difficulty in ordering expungement of these records. The committee discussed judges sharing juvenile justice information generally across county lines for legitimate purposes and the difficulty in its retrieval if later expunged. Mr. Bercovitz distributed a list of Indiana's Juvenile Detention Center's prepared by DOC in July 2001. The members of the committee agreed to invite Nikki Kincaid, Director of the Juvenile Justice Division of the Indiana Criminal Justice Institute, to the next meeting of the committee. She will be asked to bring the present monitoring forms used in Indiana and the federal statutes and regulations for the monitoring system.

b. Ms. Jordan distributed a revised Guide to Secure Detention Decision-Making prepared by the Juvenile Justice Task Force. Judge David reported the Task Force plans on placing their organization's name on it and distributing it statewide. Judge Harper expressed concern that it might conflict with local practices.

7. Matter of B.J.W. Mr. Bercovitz distributed a letter from Judge Loretta Rush containing the October 17 ruling in **Matter of B.J.W.**, 79S00-0109-OR-409. It was a mandamus action filed against the court and clerk by the prosecutor for failing to rule on a waiver of jurisdiction motion over a juvenile who had been previously waived in the juvenile court. The Supreme Court held the trial court must rule on the prosecutor's motion. No opinion was given on the working of the "once waived, always waived" rule. Judge Payne expressed concern this decision may require rulings in paternity and other actions in which trial courts may not have jurisdiction when case filings from litigants are incomplete.

8. Juvenile Judges Conference. Ms. Jordan reported the juvenile judges conference would be held June 20-21, 2002 in Brown County. Committee members discussed the following for conference topics:

a. Waiver of juveniles to adult court and competency to stand trial;

b. Suggested or best practices in juvenile law including restitution in juvenile court, payments for/by juvenile offenders after 18, secure detention – when to detain and when not to detain, parental participation petitions, paternity, addressing **Sholes** case and its implications in juvenile cases, Interstate compact and travel permits, evidence needed to prove reasonable efforts and evidence for permanency planning in juvenile court under Title IV-E FC, and the financial side of IV-E and forms in this area.

Committee members discussed topics of particular interest to juvenile probation officers including: interpreters for parents in probation proceedings, transfers of juvenile cases between counties for supervision, and having Professor Latessa discuss the use of the LSI risk assessment tools.

9. Next meeting dates. The committee members agreed to hold the next meetings of the committee on the following Fridays: February 1, 2002; March 1, 2002; May 3, 2002; June 7, 2002; and November 1, 2002 from 12:00 noon – 3:00 p.m. Members can bring lunch to these

meetings. They also agreed to meet Wednesday, September 11, 2002, from 11:00 a.m. to 12:00 noon in conjunction with the judicial conference in Ft. Wayne.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law